

REMARKS/ARGUMENTS

Claims 1, 2, 5-13, 16, 17, 23-25, and 34 are pending.

Sequence compliance

The paper or compact disc copy of the Sequence Listing in this application (Application No. 09/232,488), is identical to the computer readable copy of the Sequence Listing filed in Application No. 08/206,176, filed March 03, 1994. In accordance with 37 CFR 1.821(e), please use the only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing (in PDF format) is included in this amendment for incorporation into the specification.

Consent of assignee

The application is objected to under 37 CFR 1.172(a) as the assignee has not established its ownership interest in the patent for which reissue is being requested. The Examiner further objects to the consent of assignee filed January 15, 1999 for allegedly being confusing.

Applicants wish to clarify that the current sole assignee of the patent for which reissue is being requested is Pharming Intellectual Property B.V. Applicants herein submit a statement under 37 CFR 3.73(b) to establish the ownership interest of the sole assignee.

Enclosed herein is a newly executed consent of assignee to the reissue application (form PTO/SB/53).

Claim amendments

Claims 12, 13, 16, and 17 are objected to as they do not comply with the requirement of 37 CFR 1.173. The Examiner alleges that the omitted subject matter in these claims are not shown in correct markings.

Applicant submit herein a revised set of claims in the proper format. Claim 12 has been amended to enclose the omitted subject matter in brackets. Proper identifiers have been used for each amended claims according to 37 CFR 1.173(b)(2).

Oath

The Examiner objects to the reissue oath filed January 9, 2009 for allegedly being defective. Applicants herein submit a supplemental declaration for reissue patent application to correct errors under 37 CFR 1.175 (form PTO/SB/51S), signed by Inventor Donald Foster.

The claims were last amended August 6, 2007 and were sent to Inventor Donna Prunkard at least on August 20, 2007 (*see* submission of December 26, 2008). Therefore, Inventor Donna Prunkard has reviewed the current claims when she signed the reissue declaration on December 10, 2008. A supplemental declaration from Donna Prunkard is therefore not required under 37 CFR 1.175.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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